

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The Examiner has objected to the drawings under 37 C.F.R. 1.83(a) as failing to show the "corrugated member". Claim 7 containing the "corrugated member" language has been cancelled so that the amended drawings are not necessary.

Claims 1-5 and 18-23 were rejected under 35 U.S.C. 102(b) as being anticipated by Shea et al. Claim 1 has been amended so that it now calls for means for connecting the tubular member to a fluid supply means, that the member is tubular, that the slots therein are directed longitudinally along the member, and those slots have a length not greater than the pitch between adjacent slots.

In Shea the slots 50 and 56 are not directed longitudinally along the tubular member nor do they have a length not greater than the pitch between adjacent slots. The only documents cited by the Examiner that specifies that the slots are directed longitudinally along the tube are Fether, Boyce and the two German citations, DE 2534430 and DE 2600897.

Fether relates to a well liner and not to a device for admitting a backward fluid to a filter bed and, as such, does not disclose a means for connecting a tubular member to a fluid supply means. Further, there is no teaching in Fether that the slots have a length not greater than the pitch between adjacent slots.

DE 2534430 and DE 2600897 both disclose a device for admitting a backwash fluid to the filter medium of a filter bed in which the slots are directed longitudinally along the tubular member. However neither reference teaches that the slots should have a length not greater than the pitch between adjacent slots.

As explained on page 11, lines 1-4, the provision of slots which are directed longitudinally along the tubular, instead of transversely across the tubular member as is common in draining pipes, will tend to increase the strength of the members since transverse slots tend to encourage bending.

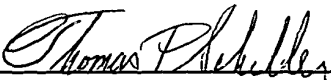
It is submitted that claim 18 is patentable over Lebrun et al. Applicant appreciates that the intended use of a device is of no patentable moment. However, claim 18 may be structurally distinguished from Lebrun et al. since those patentees do not teach a first device for admitting a backwash fluid, a second device for admitting a backwash fluid, air supplying means connected to the first device and water supply means connected to the second device. Thus while the pipe 13 of Lebrun et al may function to admit either air or water as a backwash it is a single means and not a first and second means . It can not be counted twice.

Since claim 1 is in condition for allowance, it is submitted that independent claims 3-5, 10, 11, 14, 16 and 17 are also allowable. Further, since claim 18 is allowable, dependent claims 19-23 are also allowable.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33415.

Respectfully submitted,
PEARNE & GORDON LLP

By: 
Thomas P. Schiller, Reg. No. 20677

526 Superior Avenue, East
Suite 1200
Cleveland, Ohio 44114-1484
(216) 579-1700

Date: August 7, 2003